

**PUBLIC HEALTH AMENDMENT (REGISTERED NURSES IN NURSING HOMES) BILL 2016***Second Reading*

**Mr PHILIP DONATO ( Orange ) ( 10:46 ):** I move:

That this bill be now read a second time.

I am pleased to introduce the Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2016. As tomorrow is International Nurses Day this bill has special significance. It has special significance for every person across New South Wales who has an elderly grandparent, mother, father, brother, sister or friend living in a nursing home. If Government members were not directed as to how to vote today, I am sure this bill would receive the unanimous support it enjoyed in the other place just one week ago. I acknowledge in the public gallery today all the nurses, doctors, and allied health staff who took time from their busy lives to watch the passage of this bill today. Included among them are members of the NSW Nurses and Midwives Association, the Country Women's Association, the Combined Pensioners and Superannuants Association of New South Wales, the New South Wales Cancer Council, the Quality Aged Care Action Group, the Council on the Ageing, healthcare academics, and many others. They know what impact this bill will have. I thank them for their support.

Since the drafting of section 2 paragraph (m) of the Private Hospitals (Amendment) Act 1971, it has been a requirement to keep at least one registered nurse in a nursing home in New South Wales. This requirement was included in the Private Health Establishments Act 1982, the Nursing Homes Act 1988, the Public Health Act 1991, and the Public Health Act 2010. I could have gone back further, but I did not believe we would have to trawl ancient history to convince members of Parliament to care for our elderly. How wrong we were, given what we have heard in the media from some Government members.

I do not understand why any government would want New South Wales not to be leading the way in aged care. I note that this Coalition Government first came to power with the slogan "Let's make New South Wales number one again". The Premier also says in question time most days that New South Wales is the number one State in Australia. Let us restore that provision and make New South Wales number one in aged-care standards.

The requirement in this bill is not new, nor does it have the potential to close nursing home facilities. Under that flawed logic we would not have had aged-care facilities for the past 50 years. Indeed, the Commonwealth Government already provides additional funding for smaller facilities. This bill proposes to reintroduce minimum staffing in nursing homes covering high-care needs only. Previous requirements covered in legislation were a blanket measure across all nursing homes. Unfortunately, with Federal amendments to the Commonwealth Aged Care Act 1997 and a small change to the definition of the word "nursing home" this requirement was made defunct. It would appear that this Government believed at the time that we need registered nurses in nursing homes at all times. Former Minister for Health Jillian Skinner grandfathered this provision to all nursing homes that were in operation before 1 July 2014. This came in the Public Health Amendment (Nursing Homes) Regulation 2014. Therefore, only nursing homes that commenced operation after 1 July 2014 do not have to legally keep registered nurses on shift. This bill only affects new facilities providing a high level of residential care.

I thank members who have indicated to me that they support this bill. Media reports also note that two members of The Nationals have thrown their weight behind it. Member for Myall Lakes Stephen Bromhead informed the Combined Pensioners and Superannuants Association over the past week that he supports the bill. Member for Tweed Geoff Provest was shown in the *Tweed Daily News* on 8 September 2015 supporting the bill as well. He was presented with a 5,000 signature petition on this issue by nurses in his electorate. I trust these members will join me in

voting for this bill and not resort to the tactics of not entering the Chamber or hiding behind the Speaker's chair during the final vote as others have done in the past. The terrible story of Shirley Carter, who was recently found in a nursing home in Raymond Terrace with maggots in her mouth, highlights that the quality of nursing home care is all the more important. I wish to address some of the scaremongering by other members of The Nationals in the wake of this important bill. When considering how they intend to vote, members of The Nationals should remember that more than 12,000 people in their electorates rely on nursing home care across some 235 facilities.

First, member for Upper Hunter Michael Johnsen, who is in the Chamber, said on Facebook on 4 May 2017 that this bill will "kill off smaller nursing homes". That is simply not true, as I have outlined. The member for Upper Hunter referred to Merton Court, a nursing home in Denman, as an example of a facility that would close. The member is mistaken. My office has spoken with nurses working at that facility. They inform me that the nursing home has fewer than 30 residents, has no palliative care services and only houses low-care residents. If the member for Upper Hunter had read the bill he would clearly have seen that line 13 refers specifically to "a facility at which a high level of residential care ... is provided". I note as well that current nursing home bonds are in excess of \$350,000 before a resident walks in the door and pays weekly care fees and medical expenses.

Second, we heard from my colleague the Hon. Robert Borsak in the other place about the member for Northern Tablelands marshalling a fear campaign against this bill. An email was leaked by a whistleblower that showed Ms Sue Thomson of McLean Care detailing this conspiracy. After inquiries by 2GB's Ray Hadley yesterday, however, it now appears that Ms Thomson has declared her unwavering praise for this bill. I thank her for her support. The Government has had plenty of time to offer amendments to this bill. The Hon. Robert Brown met with the office of former Minister Jillian Skinner in 2015 and early in 2016 to offer it a chance to work together. This was ignored. The current Minister for Health was given the same courtesy earlier this year, but instead wanted to delay the passage of this bill.

Registered nurses are needed in nursing homes to provide a high level of care for three reasons: they can administer pain relief stronger than a Panadol tablet; they can respond early to critical incidents and can often prevent unnecessary hospital admissions; and they know when to and when not to administer medications such as withholding a blood pressure lowering medicine when a patient's blood pressure is already low. Staff with a lower level of training may just blindly follow a medication order because they lack the clinical judgement to detect deterioration.

Under the current Federal ageing in place provisions that removed high-care and low-care distinctions from facilities this requirement for registered nurses is now more important than ever. That is because those facilities that previously only serviced low-care needs residents can now house high-care residents. Without minimum staffing rules, they may not have appropriate nurses to care for residents. In my electorate of Orange I came across the case of an elderly nursing home resident who was dependent on feeding through a gastrostomy tube every three hours. This can only be performed by a registered nurse; however, none were working during the nights so the woman was not being fed. Appropriate staffing could have prevented this. Finally, since every year there are more graduate nurses than there are jobs for them, there are adequate nurses available to fulfil the aims of this bill.

I am advised that there is only one hour for debate today and many members wish to speak. Given the overwhelming support in the public gallery, and given that tomorrow is International Nurses Day, I urge members to keep their contributions brief. Whether the Government supports or opposes this bill, I believe there should be a vote on this bill today. Thousands of seniors and their families will be watching this debate and they will all have a vote in 2019. Seniors deserve better. I commend the bill to the House.